

10/01/2020

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS
ESPERION THERAPEUTICS, INC.

DEFENDANTS
DAIICHI SANKYO EUROPE GMBH.

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
GOODWIN PROCTER LLP
JORDAN D. WEISS
620 8TH AVENUE, NEW YORK, NY 10018 (212) 813-8800

ATTORNEYS (IF KNOWN)
White & Case LLP
David Hille and Isaac Glassman
1221 Avenue of the Americas, New York, New York 10020-1095
(212) 819 8200

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. § 1332(a); DECLARATORY JUDGMENT REGARDING INTERPRETATION OF PARTIES' LICENSE & COLLABORATION AGREEMENT

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No Yes Judge Previously Assigned

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No Yes

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

		TORTS	ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/PHARMACEUTICAL PERSONAL	[] 625 DRUG RELATED	[] 422 APPEAL	[] 375 FALSE CLAIMS	
[] 120 MARINE	[] 315 AIRPLANE PRODUCT LIABILITY	[] 365 PERSONAL INJURY	SEIZURE OF PROPERTY	[] 28 USC 158	[] 376 QUI TAM	
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL & SLANDER	[] 368 ASBESTOS PERSONAL INJURY	[] 21 USC 881	[] 423 WITHDRAWAL	[] 400 STATE REAPPORTIONMENT	
[x] 140 NEGOTIABLE INSTRUMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY	[] 369 OTHER	[] 1690 OTHER	[] 28 USC 157	[] 410 ANTITRUST	
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 340 MARINE PRODUCT LIABILITY	PERSONAL PROPERTY	PROPERTY RIGHTS	[] 820 COPYRIGHTS	[] 430 BANKS & BANKING	
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY	[] 370 OTHER FRAUD	[] 830 PATENT	[] 880 DEFEND TRADE SECRETS ACT	[] 450 COMMERCE	
[] 152 RECOVERY OF DEFECTUALTED STUDENT LOANS (EXCL VETERANS)	[] 350 MOTOR VEHICLE PRODUCT LIABILITY	[] 371 TRUTH IN LENDING	[] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION	[] 840 TRADEMARK	[] 460 DEPORTATION	
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 360 OTHER PERSONAL INJURY	[] 380 OTHER PERSONAL PROPERTY DAMAGE	SOCIAL SECURITY	[] 861 HIA (1395ff)	[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)	
[] 160 STOCKHOLDERS SUITS	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 385 PROPERTY DAMAGE	[] 710 FAIR LABOR STANDARDS ACT	[] 862 BLACK LUNG (923)	[] 480 CONSUMER CREDIT	
[] 190 OTHER CONTRACT	ACTIONS UNDER STATUTES	PRISONER PETITIONS	[] 720 LABOR/MGMT RELATIONS	[] 863 DIWC/DIWV (405(g))	[] 485 TELEPHONE CONSUMER PROTECTION ACT	
[] 195 CONTRACT PRODUCT LIABILITY	CIVIL RIGHTS	[] 463 ALIEN DETAINEE	[] 740 RAILWAY LABOR ACT	[] 864 SSID TITLE XVI	[] 490 CABLE/SATELLITE TV	
[] 196 FRANCHISE	[] 440 OTHER CIVIL RIGHTS (Non-Prisoner)	[] 510 MOTIONS TO VACATE SENTENCE	[] 751 FAMILY MEDICAL LEAVE ACT (FMLA)	[] 865 RSI (405(g))	[] 850 SECURITIES/COMMODITIES/EXCHANGE	
REAL PROPERTY		28 USC 2255	[] 790 OTHER LABOR LITIGATION	FEDERAL TAX SUITS	[] 890 OTHER STATUTORY ACTIONS	
[] 210 LAND CONDEMNATION	[] 441 VOTING	[] 530 HABEAS CORPUS	[] 791 EMPL RET INC SECURITY ACT (ERISA)	[] 870 TAXES (U.S. Plaintiff or Defendant)	[] 891 AGRICULTURAL ACTS	
[] 220 FORECLOSURE	[] 442 EMPLOYMENT	[] 535 DEATH PENALTY		[] 871 IRS-THIRD PARTY	[] 893 ENVIRONMENTAL MATTERS	
[] 230 RENT LEASE & EJECTMENT	[] 443 HOUSING/ACCOMMODATIONS	[] 540 MANDAMUS & OTHER	26 USC 7609		[] 895 FREEDOM OF INFORMATION ACT	
[] 240 TORTS TO LAND	[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	PRISONER CIVIL RIGHTS	IMMIGRATION		[] 896 ARBITRATION	
[] 245 TORT PRODUCT LIABILITY	[] 446 AMERICANS WITH DISABILITIES - OTHER	[] 550 CIVIL RIGHTS	[] 462 NATURALIZATION		[] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION	
[] 290 ALL OTHER REAL PROPERTY	[] 448 EDUCATION	[] 555 PRISON CONDITION	APPLICATION		[] 950 CONSTITUTIONALITY OF STATE STATUTES	
		[] 560 CIVIL DETAINEE	[] 465 OTHER IMMIGRATION ACTIONS			
		CONDITIONS OF CONFINEMENT				

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?
IF SO, STATE:

DEMAND \$ _____ OTHER Declaratory Relief JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

- | | | | | | | |
|---|---|--|---|--|---|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from (Specify District) | <input type="checkbox"/> 6 Multidistrict Litigation (Transferred) | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge |
| <input checked="" type="checkbox"/> a. all parties represented | | | <input type="checkbox"/> b. At least one party is pro se. | | | |
| <input type="checkbox"/> 8 Multidistrict Litigation (Direct File) | | | | | | |

(PLACE AN X IN ONE BOX ONLY)

- 1 U.S. PLAINTIFF 2 U.S. DEFENDANT 3 FEDERAL QUESTION 4 DIVERSITY
(U.S. NOT A PARTY)

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.**CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [] 1	DEF [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF [] 3	DEF [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [] 5	DEF [] 5
CITIZEN OF ANOTHER STATE	[] 2	[] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4	[] 4	FOREIGN NATION	[] 6	[] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Esperion Therapeutics, Inc.
 3891 Ranchero Drive, Suite 150
 Ann Arbor, MI 48108

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Daiichi Sankyo Europe GmbH
 Zielstattstraße 48,
 81379 München, Germany

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN

/s/ JORDAN D. WEISS

DATE 3/27/2023

SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

YES (DATE ADMITTED Mo. 08 Yr. 2007)
 Attorney Bar Code # JW2517

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)